



Prosecuting Attorneys' Council of Georgia Drug Prosecutions Division

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DEC 3 1998

November 23, 1998

J. David Fowler,
Coordinator

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: *In the Matter of The Communications Assistance for Law Enforcement Act,*
Notice of Proposed Rule-making, CC Docket No. 97-213.

Dear Ms. Salas:

Enclosed for filing in the above-referenced proceeding is an original and four (4) copies of the comments by the Drug Prosecutions Division of the Prosecuting Attorneys' Council of Georgia regarding the implementation of the assistance capability requirements as required by Section 107 of the Communications Assistance for Law Enforcement Act, 47 U.S.C. § 1006.

An additional copy of comments is enclosed to be stamped "received" and returned.

Thank you very much for your attention to this matter.

Sincerely,

J. David Fowler
J. David Fowler
Coordinator

JDF/dlb

Enclosures

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

**In the Matter of:
Communications Assistance for Law
Enforcement Act**

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CC Docket No: 97-213

To: The Commission

These comments are being submitted in support of the Department of Justice and the Federal Bureau of Investigation's joint petition for rule-making, Docket Number 97-213, by J. David Fowler, Coordinator of the Drug Prosecutions Division of the Prosecuting Attorneys' Council of Georgia, on behalf of said agency. In addition, this agency expresses support for the stated FCC petition to keep the Location Information requirement in the standard.

The Drug Prosecutions Division provides Georgia law enforcement and prosecution agencies a pool of experienced prosecution professionals who are proficient in particular areas of criminal law. As such, we are frequently called upon to handle the legal aspects of electronic surveillance investigations and prosecutions, especially those involving interception of wire, oral and electronic communications.

Based upon our experience in this field, it is our position that the nine assistance capability requirements proposed by the joint petition should be included in the industry standard because they are essential to effective interception of electronic communications. The exclusion of any of these requirements, which are quite minimal in terms of their cost/inconvenience to industry, can have devastating effects to law enforcement and prosecution efforts to investigate and/or prevent serious

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crimes and to obtain crucial evidence against the malefactors once the crimes are committed.

The Subject-initiated Conference Calls and Party Hold, Join, Drop on Conference Calls proposals go hand in hand. The need for the Subject-initiated Conference Call requirement is obvious, and it is impossible to visualize an effective prosecution of parties to an intercepted wire communication involving a conference call without the Party Hold, Join, Drop on Conference Calls requirement.

As to the Subject-initiated Dialing and Signaling Information proposal, we have handled many cases in which the subject has access to custom dialing features, which greatly complicates the ability of law enforcement to accurately identify the parties to particular calls. With the increased use of these custom features among consumers, and especially among those who utilize their telephones to violate the law and therefore make every attempt to circumvent possible interception, this requirement is essential to effective law enforcement and prosecution. The same holds true for the Feature Status requirement.

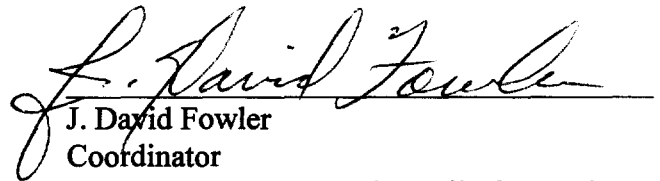
The Dialed Digital Extraction requirement merits special attention, as it has now become very common in our cases to discover that the target has subscribed to a long distance service with an 800 access number. Needless to say, intercepting the access number is useless to law enforcement and prosecution - it is the phone number that is subsequently dialed that is essential. At the present time, accomplishing this additional interception is merely a matter of correctly programming the interception device, and it is essential that the ability of law enforcement to intercept this information continue.

There have been numerous times over the years when we have initiated interception, installed the equipment (or had it installed by the phone company), and had officers monitoring lines for days or weeks with no calls, only to find out later that a piece of equipment is malfunctioning, or was

incorrectly installed, or that the target's line has been disconnected or is otherwise out of service. This happened to us recently in a major cocaine importing/trafficking investigation in middle Georgia. This, of course, results in significant unnecessary cost and expenditure of officer time, which could be avoided by the Surveillance Status requirement.

Having closely overseen numerous interception investigations over the years, we submit that the Continuity Check Tone and In-band and Out-of-band Signaling requirements would be of great benefit to investigators involved in the day-to-day workings of the interception listening posts. These requirements would certainly assist investigators in monitoring the intercepted lines, and particularly when there are numerous interceptions being monitored simultaneously.

In closing, this agency requests that the nine "punch list items" contained in the Department of Justice and the Federal Bureau of Investigation's joint petition for rule-making, Docket Number 97-213, be accepted, and supports the stated FCC petition to keep the Location Information requirement in the standard.


J. David Fowler
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